

REMARKS

Status of the Application

Claims 1-8 and 10-23 are all the claims pending in the application. Claims 1-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is objected to because of informalities. Claims 1-8 and 10-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Publication 2002/0180348).

By this Amendment, Applicants hereby amend claims 1-3 and add new claims 24-29.

Claim Rejections - 35 U.S.C. § 112

Claims 1-23 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants hereby amend claims 1-23 in order to cure the noted deficiencies.

Claim Objections

Claim 4 is objected to because of informalities.

The Examiner appears to allege that claim 4 has a limitation which is limited to performance of a function (i.e., is limited to being “capable” of doing something).

Claim 4 recites structural elements of the light-emitting portion, and is thus correct. Further, the language “capable of” noted by the Examiner was deleted in the Amendment filed January 7, 2008, which was noted as being entered in the Advisory Action dated January 28, 2008. Applicants therefore request the Examiner withdraw the objection.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 and 10-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobori (US Patent 6,327,554) in view of Oda et al. (US Publication 2002/0180348).

The Examiner provides the same basic rejection in the instant application as was provided in the Office Action dated September 6, 2007. Further, the Examiner has not provided any additional comments regarding the rejections or the comments submitted in the Pre-Appeal Brief filed February 6, 2008.

On page 2 of the instant Office Action, the Examiner indicates that the “wherein a minimum light-emission value is equal to or less than 50% of a maximum light-emission value when white light is emitted from said light-emitting portion” recited in claim 1 is being granted no patentable weight. The Examiner provides no specific reason as to why this claim element is not being given patentable weight.

Based on the claim language, amended in light of the above rejections under 35 U.S.C. § 112, there does not appear to be a particular reason why this claim limitation is not provided patentable weight. Further, as noted in the Pre-Appeal Brief Request for Review filed February

6, 2008, the prior art cited by the Examiner fails to disclose this aspect of the instant invention. As seen in the Examiner's Response to Arguments on page 12 of the instant Office Action, the Examiner has yet to rebut the substance of the arguments set forth in the Pre-Appeal Brief Request for Review filed February 6, 2008. Thus, under MPEP §707.07(f), which requires that the Examiner respond to the substance of Applicants' arguments, the Examiner has not properly responded to Applicant's arguments regarding the patentability of claim 1. Thus, Applicants submit that claim 1 remains patentable over the applied art.

Claims 2-8 and 10-23 are patentable at least by virtue of their dependency from claim 1.

New Claims

Applicants hereby add new claims 24-29. Claim 24 and 26-29 are independent, and recite limitations similar to claim 1. Claims 24 and 26-29 are therefore patentable for reasons analogous thereto. Claim 25 depends from claim 1, and is patentable at least by virtue of its dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/667,368

Attorney Docket No.: Q75436

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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